

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

The People of the United States of America,)
ex Rel., Jeremy James Roubideaux,)
)
Plaintiff/Complainant,)
)
-vs-)
)
Karen E. Schreier,)
)
Defendant.)

Case No. 5:10-cv-05071

**ORDER DENYING MOTION TO
STRIKE ORDER DISMISSING
COMPLAINT**

Before the Court is Jeremy James Roubideaux's motion to strike this Court's Order dismissing his complaint under 28 U.S.C. § 1915 (Doc. #11). Roubideaux contends that the undersigned issued an unconstitutional order dismissing his criminal complaint and that the undersigned lacks standing to issue such an order. He asserts the Court should have convened a Grand Jury to "decide the severity of Karen E. Schreier's actions."

Roubideaux's motion is akin to a motion for reconsideration. After reviewing his claims, the Court finds no reason to reconsider or strike the Order dismissing his complaint. Pursuant to 28 U.S.C. § 292(b), the chief judge of the Eighth Circuit has designated the undersigned to preside over this case. District courts have jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. Roubideaux is a private citizen. He lacks the authority to bring a criminal action against Chief Judge Karen E. Schreier. The undersigned has authority to preside over his civil action brought against Chief Judge Schreier.

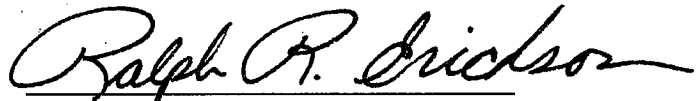
Additionally, the authority to convene a Grand Jury is vested in the district court and not

reviewable on appeal absent a “flagrant abuse of discretion.” Switzer v. Coan, 261 F.3d 985, 992 (10th Cir. 2001) (quoting Kornman v. United States, 486 F.2d 926, 933 (7th Cir. 1973) and In re A & H Transp., Inc., 319 F.2d 69, 71 (4th Cir. 1963)). There is no basis for convening a special grand jury to investigate Roubideaux’s allegations because even if Roubideaux had standing to bring this action, Chief Judge Schreier is immune from liability, as all of Roubideaux’s allegations and claims arise from her duties as a judge.

For the foregoing reasons, Roubideaux’s motion to strike this Court’s Order dismissing his complaint is **DENIED**.

IT IS SO ORDERED.

Dated this 17th day of October, 2011.

A handwritten signature in black ink, reading "Ralph R. Erickson". The signature is fluid and cursive, with the first name "Ralph" being the most prominent part.

Ralph R. Erickson, Chief Judge
United States District Court,
District of North Dakota